

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Ricky Graham, Suleaner Sipp, and)	
Jermaine Sipp,)	
)	
)	
Plaintiffs,)	
)	
v.)	NO. 08 C 889
)	
John P. Dolan, Craig A. Dunderdale, Keith)	JUDGE GUZMAN
E. Karczewski, Vernon Mitchell Jr.,)	
Scott M. Wolff, Matthew P. Cline, Daniel J.)	MAGISTRATE JUDGE ASHMAN
DeLopez, Eddie M. Yoshimura, Unknown)	
Number of Unnamed Officers of the)	
Chicago Police Department, and)	
City of Chicago,)	
)	
Defendants.)	

DEFENDANT OFFICERS' MOTION TO COMPEL

Pursuant to Rule 37 of the Federal Rules of Civil Procedure and Local Rule 37.2 of the United States District Court for the Northern District of Illinois, Defendant Police Officers John P. Dolan, Craig A. Dunderdale, Keith E. Karczewski, Vernon Mitchell Jr., Scott M. Wolff, Matthew P. Cline, Daniel J. DeLopez, and Eddie M. Yoshimura (collectively “Defendant Officers”), by one of their attorneys, Shneur Nathan, Assistant Corporation Counsel of the City of Chicago, respectfully request this Honorable Court to grant their Motion to Compel. In support of this motion, Defendant Officers state the following:

1. At the initial status, on April 16, 2008, the Court instructed the parties to promptly exchange Rule 26(a) disclosures and it set a short status date of May 21, 2008, in the hopes of quickly resolving this matter.
2. On April 25, 2008, Defendant Officers tendered their Rule 26(a) disclosures, and attached arrest reports, property inventory reports, and the relevant search warrant.
3. Plaintiffs still have not tendered Rule 26(a) disclosures.

4. Immediately after the May 21, 2008 status hearing, the undersigned reminded Plaintiffs' counsel, in person, that the 26(a) disclosures were due and necessary if the parties were to make a good faith effort at following the Court's instruction to explore settlement.

5. Plaintiffs' counsel stated that the reason the Rule 26(a) disclosures were not yet tendered was because she was out of town for her daughter's graduation.

6. On May 22, 2008, Defendant Cline issued interrogatories to each plaintiff ("Defendant Cline's First Set of Interrogatories") and Requests to Produce to be answered within 30 days, or June 23, 2008.

7. Several days after the specified discovery was due, on June 27, 2008, the undersigned initiated an in person discussion with Plaintiffs' counsel pursuant to Local Rule 37.2 and asked when Plaintiffs' responses to written discovery would be ready.

8. In response, Plaintiffs' counsel stated that she would again be out of town until July 9, 2008, and would be unable to turn to Defendant Cline's First Set of Interrogatories until July 21, 2008.

9. Defendant Officers anticipate more than sixteen (16) depositions will be taken in this matter. Additionally, fact discovery was ordered closed by September 19, 2008.

10. Given the history and schedule outlined above, Defendant Officers request this Court enter an order compelling each Plaintiff's Rule 26(a) disclosures, responses to Defendant Cline's First Set of Interrogatories, and Requests to Produce by July 14, 2008, and any further relief the Court deems appropriate.

Respectfully submitted,

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Atty No. 6294495

Shneur Nathan _____
SHNEUR NATHAN
Assistant Corp. Counsel

CERTIFICATE OF SERVICE

I, Shneur Nathan, hereby certify that on June 27, 2008, I caused a copy of the foregoing Motion to be served upon all counsel of record by filing the same via the Court's ECF filing system.

/s Shneur Nathan
SHNEUR NATHAN